

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Leanne Fornelli	Team: Squad #8	CCRB Case #: 201504067	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/20/2015 2:01 PM	Location of Incident: § 87(2)(b) 102nd Precinct stationhouse	Precinct: 102	18 Mo. SOL 11/20/2016	EO SOL 11/20/2016	
Date/Time CV Reported Wed, 05/20/2015 6:33 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 05/20/2015 6:33 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Neil Conde	06620	943100	102 PCT
2. POF Shacole O'Dell	00908	940525	102 PCT
3. LT Courtney Nilan	00000	935402	102 PCT
4. POM Keith Doumas	21013	930537	102 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Francisco Luciano	30959	936988	102 DET

Officer(s)	Allegation	Investigator Recommendation
A.POM Neil Conde	Abuse: PO Neil Conde entered § 87(2)(b)	§ 87(2)(b)
B.POM Keith Doumas	Abuse: PO Keith Doumas entered § 87(2)(b)	§ 87(2)(b)
C.POF Shacole O'Dell	Abuse: At § 87(2)(b), PO Shacole O'Dell frisked § 87(2)(b)	§ 87(2)(b)
D.LT Courtney Nilan	Abuse: Lt. Courtney Nilan entered § 87(2)(b)	§ 87(2)(b)
E.LT Courtney Nilan	Abuse: Lt. Courtney Nilan searched § 87(2)(b)	§ 87(2)(b)
F.POF Shacole O'Dell	Abuse: PO Shacole O'Dell entered § 87(2)(b)	§ 87(2)(b)
G.POF Shacole O'Dell	Abuse: PO Shacole O'Dell searched § 87(2)(b)	§ 87(2)(b)
H.POM Neil Conde	Abuse: At the 102nd Precinct stationhouse, PO Neil Conde did not process § 87(2)(b) s, § 87(2)(b) s and § 87(2)(b) s complaint regarding officers.	§ 87(2)(b)
I.POF Shacole O'Dell	Abuse: At the 102nd Precinct stationhouse, PO Shacole O'Dell did not process § 87(2)(b) s, § 87(2)(b) s and § 87(2)(b) s complaint regarding officers.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
J.LT Courtney Nilan	Abuse: At the 102nd Precinct stationhouse, Lt. Courtney Nilan did not process § 87(2)(b) s, § 87(2)(b) s and § 87(2)(b) s complaint regarding officers.	

Case Summary

On May 20, 2015, at 2:01 p.m. (time established from Arrest § 87(2)(b) Board Review (BR) 1) at § 87(2)(b) in Queens, § 87(2)(b) was arrested with a top charge of murder in the 2nd degree by officers of the 102nd Precinct. Later that day, § 87(2)(b)'s girlfriend, § 87(2)(b) his mother, § 87(2)(b) and his sister, § 87(2)(b) went to the 102nd Precinct stationhouse. The following was alleged: PO Neil Conde, PO Keith Doumas, Lt. Courtney Nilan and PO Shacole O'Dell entered § 87(2)(b), and Lt. Nilan and PO O'Dell searched (**Allegations A, B, D, E, F and G**). PO O'Dell frisked § 87(2)(b) (**Allegation C**). At the 102nd Precinct stationhouse, PO Conde, PO O'Dell and Lt. Nilan did not process § 87(2)(b) s, § 87(2)(b) s and § 87(2)(b) s complaint against officers (**Allegations H, I and J**). There was no video footage available for this incident because there were no cameras at the incident location and no participant in the investigation recorded with their cellphones.

Mediation, Civil and Criminal Histories

- § 87(2)(b) s arrest (BR 1) rendered this case ineligible for mediation.
- No notice of claim had been filed in regard to this incident as of October 1, 2015, eleven days past the 90-day filing deadline (BR 4).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by and involving § 87(2)(b) (BR 7), and the first involving § 87(2)(b) (BR 8) and § 87(2)(b) (BR 9).
- PO Conde has been a member of service (MOS) for eight years and has had twelve CCRB allegations pled against him in nine other cases (BR 10). None of these allegations were substantiated. In CCRB 200716422, an allegation of an entry/search was closed as exonerated.
- PO Doumas has been an MOS for twelve years and has had three CCRB allegations pled against him in one other case (BR 11). § 87(2)(b) s.
- PO O'Dell has been an MOS for nine years and has had two CCRB allegations pled against her in two other cases (BR 12). § 87(2)(g) § 87(2)(g)
- Lt. Nilan has been an MOS for eleven years and has had six CCRB allegations pled against her in four other cases (BR 13). None of these allegations were substantiated or reflect a pattern applicable to this case. The three allegations pled against her in CCRB 200608857 were closed as miscellaneous (subject terminated). Since the incident date, Lt. Nilan has been promoted to the rank of captain.

Potential Issue

§ 87(2)(b) is a victim in this case. On June 29, 2015, the undersigned investigator spoke to § 87(2)(b) who scheduled her CCRB interview for July 1, 2015. She did not appear for this

appointment and did not call ahead of time to cancel or reschedule. On July 1, 2015, a missed appointment letter was emailed and mailed to her, and it was not returned either electronically or by the United States Postal Service. On July 1, 2015, the undersigned investigator spoke to her and she rescheduled her CCRB interview for July 8, 2015. She did not appear for this appointment and did not call ahead of time to cancel or reschedule. On October 1, 2015, an online search of the New York City Department of Corrections Inmate Lookup System revealed that she was not incarcerated. She has not contacted the undersigned investigator as of this writing.

Additional Witness

§ 87(2)(b) is a witness in this case. On July 1, 2015, the undersigned investigator spoke to § 87(2)(b), § 87(2)(b)'s legal representative. § 87(2)(b) would not grant permission for § 87(2)(b) to provide testimony to the CCRB, given that he had criminal charges pending from the incident.

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) (BR 14) said that at the stationhouse after the initial incident, PO O'Dell and Lt. Nilan provided their names, which she wrote down. She described PO O'Dell as a white female with blonde hair and light-colored eyes, and Lt. Nilan as a Hispanic female with brown hair. The investigation determined that § 87(2)(b) confused these two officers, as Lt. Nilan is a white female with blonde hair and blue eyes, and PO O'Dell is a black female with dark hair. This was further confirmed as § 87(2)(b) alleged that Lt. Nilan frisked her, and PO O'Dell acknowledged doing this and Lt. Nilan said that PO O'Dell informed her that she did this.

§ 87(2)(g)

§ 87(2)(b) (BR 14) alleged that the eight to ten officers who arrived to the residence entered her apartment. As PO Conde, PO Doumas, PO O'Dell, Lt. Nilan and § 87(2)(b) agree that these four officers were the first at the scene and § 87(2)(b) said that the others arrived later after the first officers had already entered, it is reasonable that the officers who arrived later would have deduced that authorization for entry had been established. § 87(2)(g)

Allegation A – Abuse of Authority: PO Neil Conde entered § 87(2)(b)

§ 87(2)(b):

Allegation B – Abuse of Authority: PO Keith Doumas entered § 87(2)(b)

§ 87(2)(b):

Allegation D – Abuse of Authority: Lt. Courtney Nilan entered § 87(2)(b)

§ 87(2)(b):

Allegation E – Abuse of Authority: Lt. Courtney Nilan searched § 87(2)(b)

§ 87(2)(b):

Allegation F – Abuse of Authority: PO Shacole O'Dell entered § 87(2)(b)

§ 87(2)(b):

Allegation G – Abuse of Authority: PO Shacole O'Dell searched § 87(2)(b)

§ 87(2)(b) (BR 14) said that at the time of the incident, she was at her apartment, which is in her name and where her boyfriend § 87(2)(b) stays. § 87(2)(b) does not live at the apartment. She was there by herself and § 87(2)(b) was outside speaking to prospective buyers who had come to view the apartment. She heard her doorbell ring frantically. As there is no way

to buzz people into the front door of the house from her § 87(2)(b) apartment, she went downstairs. When she was on the second floor continuing toward the first floor, § 87(2)(b) who was handcuffed, entered the house with two officers, PO Conde, who would provide his name later at the stationhouse, and an officer identified as PO Doumas. § 87(2)(b) asked, “What’s going on? What’s happening?” § 87(2)(b) told § 87(2)(b) to relax, and he and the officers walked right past her on the staircase. PO Conde and PO Doumas then entered her apartment. § 87(2)(b) who stood on the second floor landing, asked, “Why? What’s going on with my apartment? Why are you going inside? What’s going on?” The officers only said, “Oh, he just wants to drop off his stuff.” § 87(2)(b) said, “But what happened? What’s going on? Why are you going inside? What’s happening?” No officer responded. Two seconds later, two officers, PO O’Dell and Lt. Nilan § 87(2)(b) thought her rank was that of an officer), who would provide their names later at the stationhouse), arrived to the residence. After § 87(2)(b) was patted down (addressed in Allegation C), Lt. Nilan proceeded upstairs and entered the apartment. PO O’Dell followed her and stayed outside the door.

§ 87(2)(b) said that she went upstairs and tried to enter her apartment. PO O’Dell stopped her and said that she had to wait outside. § 87(2)(b) asked, “Why? This is my apartment. Why are you going into my place?” No one responded to her. At this time, § 87(2)(b) could only see § 87(2)(b)’s feet and he sat in a chair next to the refrigerator that is immediately to the right upon entering the front door. The officers stood near § 87(2)(b). Lt. Nilan then proceeded farther into the apartment where the bedrooms are located. PO O’Dell entered and followed her. A short time later, the remaining officers who included Det. Francisco Luciano of the 102nd Precinct Detective Squad (described as a Hispanic male, 5’5” to 5’7” tall, slightly muscular body build, short and very curly dark hair, in his mid-thirties) arrived and entered the apartment. § 87(2)(b) recognized Det. Luciano from when he arrived to the apartment around January of 2015 and was looking for someone that she did not know. During that interaction, she wrote down his name which is how she knew it.

§ 87(2)(b) was never allowed to enter the apartment while the officers were present. The officers asked § 87(2)(b) for her identification because § 87(2)(b) wanted to give her the \$100.00 that he had with him. The officers told § 87(2)(b) to keep some of it so that he would have money for the cab ride back. § 87(2)(b) kept \$20.00 and § 87(2)(b) received the rest. After about five minutes, the officers left with § 87(2)(b). When § 87(2)(b) reentered her apartment, she saw that her mattress was flipped over and objects were thrown around on her bed. She also observed that the sofa cushions seemed to have been moved. She knew she did not do this because before the officers’ arrival, she had cleaned to prepare for the people who viewed the apartment.

§ 87(2)(b) said that later at the stationhouse, she spoke to PO Conde, PO O’Dell and Lt. Nilan. She asked about the officers entering the apartment and why there were so many. PO O’Dell asked why she would say that someone searched her apartment, and § 87(2)(b) said that her mattress was flipped over. PO Conde told § 87(2)(b) that the landlord had given them permission. § 87(2)(b) asked how PO Conde identified the landlord and PO Conde said that the person to whom he spoke said that he was the landlord. PO Conde also said that § 87(2)(b) gave them permission to enter because he wanted to give her money. § 87(2)(b) said to PO Conde that the apartment did not belong to § 87(2)(b) but her name was on the lease. She also told PO Conde that she asked several times at the initial incident location about what was happening and why officers entered her apartment, and she never received a response. The officers insisted that they had permission to enter.

§ 87(2)(b)’s narrative in her initial email complaint (BR 2) is consistent with her CCRB testimony. § 87(2)(g)

The landlord of § 87(2)(b)'s building was identified via investigation as § 87(2)(b). In § 87(2)(b)'s phone statement (BR 15), he said that three to four officers approached him with § 87(2)(b) in handcuffs when § 87(2)(b) was taking the garbage outside of the house for collection. The officers asked him if they saw anything, and § 87(2)(b) told them that he earlier witnessed § 87(2)(b) stab someone who appeared to be a fifteen-year-old kid in the park. The officers did not ask § 87(2)(b) about where § 87(2)(b) lived, but they asked § 87(2)(b) if he lived in the building. § 87(2)(b) said yes and made no request to go inside. The officers and § 87(2)(b) entered the building so that § 87(2)(b) could show them where he lived. He did not see officers enter the third floor apartment, where § 87(2)(b) stays with his girlfriend § 87(2)(b) the only leaseholder for the third-floor apartment. The officers told § 87(2)(b) to reenter his residence, and he did so. § 87(2)(b) thought the officers wanted to enter the apartment to look for a weapon because he had before seen § 87(2)(b) with a gun. He did not overhear that the officers wanted to enter for this reason, but only assumed.

§ 87(2)(b) (BR 16), who was not present for the initial incident, accompanied § 87(2)(b) later to the stationhouse to make a complaint because § 87(2)(b) said that officers entered and searched her apartment without permission. § 87(2)(b) corroborated § 87(2)(b)'s statement that she spoke to PO Conde, PO O'Dell and Lt. Nilan. § 87(2)(b) identified these three as ones who entered her apartment. § 87(2)(b) said that both she and § 87(2)(b) asked the officers why they entered the apartment. § 87(2)(b) could not recall exactly what the officers said, but their explanation was that § 87(2)(b) provided them with permission.

PO Conde (BR 17) said that the day before the incident, a male was stabbed in the park nearby the incident location and the suspect was identified by the detective's squad as § 87(2)(b) a known Latin Kings gang member. On the date of the incident, officers from the precinct canvassed the area for witnesses and other evidence. PO Conde did not know if a weapon was recovered at the scene, but the officers were looking for a weapon. PO Conde knew § 87(2)(b) from seeing him around the area and knew him to live at § 87(2)(b), which he always went in and out of and hung out at. PO Conde did not know § 87(2)(b) to live anywhere else and did not know what address was on his past arrest reports. PO Conde initially said that he could not recall if he spoke to the landlord of § 87(2)(b), identified via investigation as § 87(2)(b) and did not know who the landlord was. He then said that he did speak to § 87(2)(b) who identified himself as the landlord. He initially said that § 87(2)(b) stated that § 87(2)(b) lived at § 87(2)(b) and later said that he was uncertain that § 87(2)(b) said this.

PO Conde said that two to three hours after speaking to § 87(2)(b) he saw § 87(2)(b) on the corner of the incident location with a group of people. PO Conde approached and handcuffed § 87(2)(b) without incident. § 87(2)(b) pleaded for PO Conde to give money to § 87(2)(b) because they were expecting a child. PO Conde, who was with PO Doumas, PO O'Dell and Lt. Nilan, entered the location with these officers and § 87(2)(b) and they went up to the third floor. PO Conde knocked on the door and § 87(2)(b) answered. He could not recall their conversation, as he was just there to give her § 87(2)(b)'s money.

PO Conde said that he was in possession of no search warrant. He did not suspect a weapon to be in the apartment and did not care about any weapon. PO Conde sat § 87(2)(b) down on a seat that was two feet inside the apartment as he went through his pockets to ensure he had nothing dangerous. He initially said that he may have walked two feet inside the apartment to do this and § 87(2)(b) had no reaction to this. He later said that he could not recall if he entered at all. If he did enter, he only did so to give the money to § 87(2)(b). He could not recall § 87(2)(b) being made to stand outside the apartment. He did not want § 87(2)(b) standing, as the apartment door was near a staircase, which presented a danger to the police. When asked to explain this further, he said that sitting § 87(2)(b) down reduced the risk of him escaping and he had more control of him sitting in the chair. He did not leave § 87(2)(b)'s side. No other officer

entered the apartment. He saw no officer go toward the bedrooms in the apartment or flip any mattress. During the incident, § 87(2)(b) was panicking, seemingly because § 87(2)(b) was being arrested. She repeatedly asked, “What happened? What happened?” PO Conde provided her with the money from § 87(2)(b)’s pocket, and he could not recall if he retrieved this before or after § 87(2)(b) sat in the chair. He collected § 87(2)(b)’s information so there was a record of to whom the money was given and to prevent an allegation that the officers took the money. He was at the location for about five minutes. He could recall no other officer besides those aforementioned arriving to the location. Later at the stationhouse, he spoke to § 87(2)(b) who said that she wanted to make a complaint and she did not say why.

PO Doumas’s testimony (BR 18) contained the following differences and additional information from that of PO Conde: PO Doumas thought the stabbing occurred several days before the incident. He did not know if any weapon had been found. The detectives assigned to the case issued no instructions regarding looking for any evidence, such as the weapon. When § 87(2)(b) was handcuffed, only PO Conde and PO Doumas were present. Lt. Nilan was called to the scene to verify the arrest and she arrived with PO O’Dell. § 87(2)(b) requested that the \$100.00 he had with him be given to § 87(2)(b) for their child. PO Doumas did not know if § 87(2)(b) lived at the apartment. When the officers went upstairs to the apartment with § 87(2)(b) someone knocked on the door and PO Doumas did not know who. PO Doumas was on the stairway closer to the second floor and behind the other officers, and nowhere near the apartment door. A female, identified as § 87(2)(b) answered the door and he could only hear her. PO Doumas did not pay attention to the conversation and did not know what was discussed, but it remained conversational in tone with no yelling. § 87(2)(b) did not seem irate. No officer entered the apartment. No officer brought § 87(2)(b) inside the apartment or sat him down. The officers were not looking for the weapon from the stabbing. PO Conde gave the money to § 87(2)(b) outside the apartment. PO Doumas did not see § 87(2)(b) later at the stationhouse.

PO O’Dell’s testimony (BR 19) contained the following differences and additional information from that of PO Conde: PO O’Dell saw PO Conde apprehending § 87(2)(b) and approached to assist. PO O’Dell entered the building last and was slightly delayed. She could not recall why but thought it was because she had to secure her and Lt. Nilan’s bicycles, which they were using for patrol. PO O’Dell did not encounter anyone as she went upstairs to the apartment, the door of which was already opened. She initially said that she did not think any officer entered the apartment, and later said that she thought PO Conde was just inside the threshold, although she could not recall for certain. PO O’Dell did not enter the apartment. She could not recall where Lt. Nilan was and PO Doumas was at the apartment door. She could not recall any other officer arriving to the apartment. She never saw officers enter the apartment for an extended period of time or go beyond the threshold. She knew of no officer going toward the bedrooms or flipping a mattress. She knew of no officer looking for a weapon of the stabbing. § 87(2)(b) was given § 87(2)(b)’s money and cellphone. § 87(2)(b) was erratic and yelling a little bit, but PO O’Dell could not recall about what she was complaining. She did not know of § 87(2)(b) complaining of officers entering the apartment. Later at the stationhouse, PO O’Dell saw § 87(2)(b) and § 87(2)(b). They never expressed a desire to make a complaint and did not complain of officers entering § 87(2)(b)’s apartment.

Lt. Nilan’s testimony (BR 20) contained the following differences and additional information from that of PO Conde: Lt. Nilan did not know if a weapon had been recovered from the stabbing. Lt. Nilan saw that PO Conde was apprehending § 87(2)(b) and she and PO O’Dell went to assist. PO Conde asked Lt. Nilan if § 87(2)(b) could give property to § 87(2)(b) who was at his apartment. Lt. Nilan did not hear § 87(2)(b) make this request and she granted permission. Lt. Nilan and PO O’Dell entered the house a little behind PO Conde and PO Doumas, as they had to secure the bicycles they were using for patrol. § 87(2)(b) was coming onto the

landing from her apartment as Lt. Nilan walked up the stairs, and the apartment door was open. § 87(2)(b) was loud, and acting somewhat irate and erratic. She was screaming, yelling and asking what was happening and other questions regarding § 87(2)(b)'s arrest. The officers had § 87(2)(b) sitting in a chair just inside the threshold of the apartment. Lt. Nilan did not see who sat § 87(2)(b) down. PO Conde was in the general vicinity of § 87(2)(b) inside the apartment and Lt. Nilan did not see him enter. Lt. Nilan could not recall where PO Doumas was or if PO O'Dell entered the apartment. Lt. Nilan entered the apartment and stayed at the threshold to continue supervising § 87(2)(b)'s arrest, which entailed ensuring the officers were safe and conducting the process in a timely manner. She entered the apartment for no other reason. There was no search warrant for the apartment and no intention to search the apartment. When told that § 87(2)(b) alleged that her mattress was overturned, she had no recollection of this occurring. Lt. Nilan did not hear § 87(2)(b) ask why officers were inside her apartment, but did not pay much attention to her. § 87(2)(b) stood on the landing while the officers were inside the apartment. Lt. Nilan could not recall instructing her to stay outside the apartment or preventing her entry. No other officers responded to the scene. Later at the stationhouse, Lt. Nilan spoke to § 87(2)(b) and § 87(2)(b). They never asked to make a complaint about what occurred at the initial scene of the incident.

Det. Luciano (BR 25) denied being present at § 87(2)(b)'s arrest. He said that he learned § 87(2)(b) was arrested when he was brought into the stationhouse by members of the Anti-Crime Team. He said that the first and only time he went to the incident location was to pick up § 87(2)(b) who he interviewed in regard to the stabbing on the date of the incident at about 6:00 p.m., after § 87(2)(b) was brought to the stationhouse. He denied entering and searching § 87(2)(b)'s apartment. He denied ever encountering § 87(2)(b) and did not know what she looked like before viewing a photograph of her in his CCRB interview. The officers who effected § 87(2)(b)'s arrest did not mention entering the apartment where he was apprehended, or any details about his arrest. While he was interested in recovering the weapon used in the stabbing, it had not been recovered as of his CCRB interview date, October 15, 2015. Det. Luciano is a § 87(2)(b)-old Hispanic male who stands 5'10" tall, weighs 170 pounds, has dark curly hair and brown eyes (BR 26). Det. Luciano's memo book entries (BR 27) for the day have a five hour gap between 11:10 a.m. and 3:30 a.m., during which time Det. Luciano stated that he was at his command where he never left.

The DD5's (BR 28) generated for the stabbing do not describe the circumstances of § 87(2)(b)'s arrest in detail.

A warrantless entry into a residence to effect an arrest is only justified when there are exigent circumstances establishing an urgent need for that entry, People v. McBride, 902 N.Y.S2d830 (2010) (BR 21). When an arrest is made within a residence, there is no justification for searching any other room than that in which the arrest is effected without a search warrant, Chimel v. California, 395 U.S. 752 (1969) (BR 22).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

[REDACTED]

Allegation C – Abuse of Authority: At § 87(2)(b), PO Shacole O'Dell frisked

§ 87(2)(b)

It is undisputed that PO O'Dell (BR 19) frisked § 87(2)(b) (BR 14). PO O'Dell said that throughout the incident, § 87(2)(b) was loud and mean, although she could not recall what she said or complained about. PO O'Dell patted § 87(2)(b) down for her safety and that of other officers because she was acting erratically by speaking in an elevated voice and because § 87(2)(b) was suspected of a violent crime. § 87(2)(b) was not suspected of any violent crime. She could not recall what § 87(2)(b) wore, except that the clothing was baggy and covered her legs. She observed no bulges or anything resembling a weapon on § 87(2)(b). She patted § 87(2)(b) down on the sides of her body, which lasted about two seconds.

An officer can detain someone when an officer has a reasonable suspicion that the person has committed, is committing or is about to commit a felony or misdemeanor, and the officer has the authority to frisk the detainee if the officer reasonably suspects that there is a danger of physical injury by virtue of the detainee being armed, People v. De Bour, 386 N.Y.S.2d 375 (Ct. of Appeals 1976) (BR 23).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation H – Abuse of Authority: At the 102nd Precinct stationhouse, PO Neil Conde did not process § 87(2)(b) s. § 87(2)(b) s and § 87(2)(b) s complaint regarding officers.

Allegation I – Abuse of Authority: At the 102nd Precinct stationhouse, PO Shacole O'Dell did not process § 87(2)(b) s. § 87(2)(b) s and § 87(2)(b) s complaint regarding officers.

Allegation J – Abuse of Authority: At the 102nd Precinct stationhouse, Lt. Courtney Nilan did not process § 87(2)(b) s. § 87(2)(b) s and § 87(2)(b) s complaint regarding officers.

§ 87(2)(b) (BR 14) stated that she went to the 102nd Precinct with § 87(2)(b) s mother, § 87(2)(b) and his sister, § 87(2)(b) to file a complaint and discover what was happening with § 87(2)(b). She saw PO Conde, who took them outside the stationhouse between two sets of entrance doors to speak. § 87(2)(b) asked PO Conde why § 87(2)(b) was arrested and why there were so many people at and inside her apartment. PO Conde did not reply, and called over PO O'Dell and Lt. Nilan to join the discussion. PO O'Dell asked § 87(2)(b) why she thought that an officer searched her apartment, and § 87(2)(b) mentioned the flipped mattress. PO Conde said the landlord provided the officers with permission and § 87(2)(b) gave them permission to go inside because he wanted to give § 87(2)(b) money. § 87(2)(b) argued that the officers did not have permission to enter the apartment and the officers insisted that they did. At the conclusion of the conversation, § 87(2)(b) wrote down the names of the officers. She, § 87(2)(b) and § 87(2)(b) told the officers that she wanted to file a complaint. PO Conde said that § 87(2)(b) and § 87(2)(b) did not have to reenter the stationhouse. § 87(2)(b) asked PO Conde if he was saying they could not go back inside. PO Conde said this was not the case, and led them inside and told an officer behind the desk to give them the number to file a complaint. § 87(2)(b) thought that she could file a complaint at the stationhouse, but PO Conde said, "No, you need to call this number." § 87(2)(b) returned home and filed a complaint online with the CCRB. In § 87(2)(b) s initial email complaint (BR 2), the crux and very first statement in the narrative are the officers' entry and search of her apartment.

§ 87(2)(b) s testimony (BR 16) contained the following inconsistencies and additional information from that of § 87(2)(b). Upon arriving at the stationhouse, § 87(2)(b) obtained the number to make a complaint from an officer behind the front desk who she asked about the protocol of filing a complaint. After PO Conde took them outside, she could not recall what PO Conde, PO O'Dell and Lt. Nilan said about entering the apartment, but their explanation was that § 87(2)(b) had given them permission. After § 87(2)(b) took down the names of the officers, § 87(2)(b) asked all the officers present to make a complaint. PO Conde said, "There's no need for you to go back inside." Lt. Nilan and PO O'Dell did not respond. When § 87(2)(b) and § 87(2)(b) went inside, she tried to collect the names of the other officers who were present at § 87(2)(b) s apartment, but no officer at the stationhouse would provide this information.

§ 87(2)(b) did not participate in the investigation, but provided the following narrative in § 87(2)(b) s initial email complaint (BR 2): § 87(2)(b) went to the stationhouse with § 87(2)(b) and § 87(2)(b) so that § 87(2)(b) could file a complaint about officers entering her apartment without permission. While in the waiting area, PO Conde asked them what they were there for and § 87(2)(b) explained that § 87(2)(b) wanted to file a complaint. After § 87(2)(b) requested PO Conde's name, he became rude, hostile and aggressive. Once the officers' names were written down, they tried to go back into the stationhouse and PO Conde said there was no

reason to come back inside before walking them inside.

PO Conde (BR 17) said that at the stationhouse, he saw § 87(2)(b) and § 87(2)(b) who yelled at him. He could not recall where he spoke to them, but thought it may have been in the vestibule area. He did not speak to them outside the stationhouse. § 87(2)(b) said that she wanted to make a complaint, and she did not say for what. § 87(2)(b) requested his name and shield number, which he provided. He could not recall if PO O'Dell or Lt. Nilan was present for this. He did not discourage § 87(2)(b) and § 87(2)(b) from reentering the stationhouse to make a complaint. He did not take their complaint, as he is not allowed to do this as an officer. When civilians want to make a complaint against officers, they need to speak to the desk sergeant, who is to provide them with a phone number to call. He did not see § 87(2)(b) or § 87(2)(b) speak to the desk sergeant.

PO O'Dell (BR 19) said that at the stationhouse, she, Lt. Nilan and PO Conde spoke to § 87(2)(b) and § 87(2)(b). § 87(2)(b) came to collect the officers' names, which were given to her, and she did not say why she wanted them. PO O'Dell could not recall the officers asking § 87(2)(b) and § 87(2)(b) to step outside the stationhouse, and she did not speak to them outside. She did not see PO Conde preventing § 87(2)(b) and § 87(2)(b) from entering the stationhouse. Neither § 87(2)(b) nor § 87(2)(b) asked to make a complaint or expressed a desire to make a complaint. PO O'Dell did not refuse to take a complaint or see another officer do this. When civilians want to file a complaint, they can do so at the stationhouse with a supervisor or by calling a phone number.

Lt. Nilan (BR 20) said that she, PO Conde and PO O'Dell spoke to § 87(2)(b) and § 87(2)(b) at the stationhouse. She did not step outside with them. They mostly asked questions regarding § 87(2)(b)'s arrest and the investigation, about which Lt. Nilan could not supply specifics. § 87(2)(b) requested the officers' names and shield numbers, which were provided to her (Lt. Nilan explained that she did not have a shield number, and only provided her name). The females never asked to make a complaint or made mention of wanting to make a complaint. She could not recall if § 87(2)(b) complained at this time of officers entering her apartment. Lt. Nilan did not see PO Conde try to prevent the females from entering the stationhouse. She never refused to take a complaint about the officers, and never witnessed another officer do this.

Patrol Guide Procedure 207-31 states that for complaints made in-person at a patrol precinct against a uniformed member of service, an officer must interview the complainant and give them a Civilian Complaint Report to complete and sign (BR 24).

§ 87(2)(g)

[REDACTED]

Squad: 8

Investigator:	_____	<u>Leanne Fornelli</u>	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Attorney:	_____	_____	_____
	Title/Signature	Print	Date